

Q/B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

FILED - GR

May 30, 2008 11:55 AM

RONALD C. WESTON, SR., CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: rmw /

SEAN BARRY and AIEMEE BARRY,

Plaintiff,

v.

Case No.
Hon.

1:08-cv-502
Gordon J Quist
US District Judge

BUREAU OF COLLECTION RECOVERY, INC.,

Defendant.

BRIAN P. PARKER (P48617)
LAW OFFICES OF BRIAN P. PARKER, P.C.
Attorney for Plaintiff
30700 Telegraph Road, Suite 1580
Bingham Farms, MI 48025
Tel: (248) 642-6268

JEFFREY A. SMOLEK (P53565)
PALUDA SMOLEK, P.C.
Attorney for Defendant
3150 Livernois, Suite 335
Troy, MI 48083
Tel: (248) 740-0203

NOTICE OF REMOVAL

NOW COMES Defendant, BUREAU OF COLLECTION RECOVERY, INC., by and through its attorneys, Law Offices of Paluda Smolek, P.C., pursuant to 28 U.S.C. §§ 1331, 1441, and 15 U.S.C. § 1692k(d), and files this Notice of Removal, and in support hereof sets forth the following grounds:

1. On or after April 16, 2008, Defendant was served with Plaintiffs' Summons and Complaint, a copy of which is attached hereto, in an action entitled *Sean Barry and Aiemee*

Barry v Bureau of Collection Recovery, Inc. filed of record with the clerk of the 62-A Judicial District Court, Michigan. (See **Exhibit A.**)

2. Plaintiffs' Complaint purports to set forth a cause of action under 15 U.S.C. § 1692, *et seq.*

3. This Court has original jurisdiction over Plaintiffs' cause of action based on 15 U.S.C. § 1692, *et seq.*, as set forth in 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d). Pursuant to 28 U.S.C. § 1441, therefore, the civil action pending in the 61-A Judicial District Court, Michigan, is removable to this Court.

4. Along with this Notice of Removal, Defendant is filing its Answer to Plaintiffs' Complaint with the Clerk of the United States District Court for the Western District of Michigan.

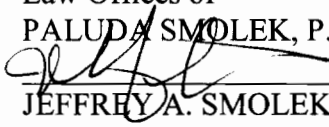
5. Though 30 days have expired since receipt of Plaintiffs' Complaint, a stipulation with counsel for Plaintiffs was entered into extending the date to file responsive pleadings to May 30, 2008. (See **Exhibit B.**)

6. Copies of all process, pleadings and orders served upon Defendant in this action are attached hereto.

7. Defendant has provided written notice of the filing of this Notice of Removal to Plaintiffs by overnight mail on this date and has also forwarded by overnight mail a Notice for filing with the clerk of the 62-A Judicial District Court, Michigan, regarding this Notice of Removal. (See **Exhibit C.**)

WHEREFORE, Defendant prays that the above-captioned action now pending in the 62-A Judicial District Court, Michigan, be removed therefrom and placed on the regular docket of

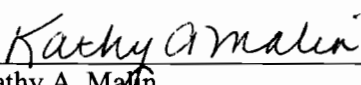
the United States District Court for the Western District of Michigan.

Law Offices of
PALUDA SMOLEK, P.C.
BY: 
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Dated: May 29, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by mailing via overnight mail the same to them at their respective addresses as disclosed by the pleadings of record herein on May 29, 2008, the originals being mailed via overnight mail to the court. I declare under penalty of perjury that the statement above is true to the best of my knowledge, information and belief.


Kathy A. Malin

70194/kam